

II. REMARKS

In response to the Office Action mailed on February 15, 2005, in the above-referenced patent application, please reconsider the application.

In the Office Action, claims 65-128 have been made subject to an objection for reasons set out in the Office Action.

These claims have been amended, and as such it is believed that the rejection is moot.

In the Office Action, claims 5-8, 37-40, 69-72, and 101-104 have been rejected pursuant to 35 USC Sec. 112. The Examiner contends that these claims are indefinite for reasons set out in the Office Action.

These claims have been amended, and as such it is believed that the rejection is moot.

In the Office Action, claims 22, 54, 86, and 118 have also been made subject to an objection for reasons set out in the Office Action.

These claims have been amended, and as such it is believed that the rejection is moot.

In the Office Action, claims 1-4, 9, 11-14, 16, 19-22, 28-29, 30-33 have been rejected pursuant to 35 USC Sec. 102. The Examiner contends that these claims are anticipated by Bezos for reasons set out in the Office Action. The Examiner contends that "blind" in the claimed blind gift is apparently construed to be without meaning.

In response, the claims have been amended to remove the term.

In the Office Action, claims 15 and 17-18 have been rejected pursuant to 35 USC Sec. 103. The Examiner contends that claim 15 is obvious over Bezos in view of Walker, and claims 17-18 are obvious over Bezos in view of Oneida, for reasons respectively set out in the Office Action.

In response, it is respectfully submitted that:

- (1) The combination of references proposed in the Office Action would render the constructions of the references inoperable for their intended purposes.
- (2) The combination of references proposed in the Office Action would have changed the principles of operation of the respective devices shown in the references.
- (3) There was no motivation or suggestion in the art, as of the filing date of the priority date of the instant application that would have prompted one skilled in the art to make the combination.

No proper reason has been shown as to why anyone would think to combine these patents except upon hindsight.

Enclosed please find a copy of a decision in Ex parte Eugene Howard Massey Jr., USPTO Board of Appeals and Interferences, May 6, 2002, which is not a precedential decision, but is persuasive in reasoning that is apt in the instant application. Paraphrasing from page 6 of the decision, given the disparity of problems addressed by the cited art, and the differing solutions proposed by them, any attempt to combine them could only from Applicant's own disclosure and not from any teaching or suggestion in the references themselves. Paraphrasing on, even assuming, arguendo, that proper motivation were established for the proposed combination of references, it cannot be seen how and in what manner the references could be combined to arrive at the specific combination set forth in the claims.

Further, other amendments render the Sec. 102 and Sec. 103 rejections moot.

Accordingly, withdrawal of the rejection and allowance of the claims are respectfully requested.


III. Conclusion

The Examiner is invited to contact the undersigned at the telephone number set out below if it can in any way expedite or facilitate issuance of a patent on the application.

The application is believed to be in condition for allowance, and favorable action is respectfully requested. Please direct all correspondence to the undersigned at the address given below.

The Commissioner is hereby authorized to charge any fees associated with the above-identified patent application or credit any overcharges to Deposit Account No. 50-0235. Please direct all correspondence to the undersigned at the address given below.

Respectfully submitted,


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